

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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:
CRP/CAPSTONE 14W PROPERTY OWNER, LLC,
:
Plaintiff, :

CASE NO. 07 Civ. 7165
(PKC)

- against -

**DECLARATION IN
SUPPORT OF DEFAULT
JUDGMENT**

MORGAN FUNDING, INC.,
:
Defendants. :

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ETHAN R. HOLTZ, an attorney duly admitted to practice before the Courts of the State of New York, declares the following to be true under the penalty of perjury:

1. I am an associate in the law firm of Morrison Cohen LLP, attorneys Plaintiff CRP/Capstone 14W Property Owner, LLC ("Plaintiff"). I submit this declaration in support of Plaintiff's motion pursuant to Rule 55 of the Federal Rules of Civil Procedure and Local Rules 55.1 & 55.2 seeking a default judgment against Defendant.

2. I respectfully submit this declaration to put before the Court documents which provide the foundation for the undisputed facts which form the basis of this motion.

3. Attached hereto as Exhibit 1 is a true and correct copy of a Clerk's Certificate of Default, required by Local Rules 55.1 & 55.2 and Your Honor's Individual Practices for entry of default judgment.

4. Attached hereto as Exhibit 2 is a proposed Default Judgment, as required by Local Rules 55.1 & 55.2 and Your Honor's Individual Practices for entry of default judgment.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 27, 2008

/s/ Ethan R. Holtz
Ethan R. Holtz

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CRP/CAPSTONE 14W PROPERTY OWNER, LLC

Plaintiff,

07 Civ. 7165 (PKC)

- against -

CLERK'S CERTIFICATE

MORGAN FUNDING, INC.

Defendant.
-----X

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for
the Southern District of New York, do hereby certify that this action commenced on August 10, 2007
with the filing of a summons and ^{3RD Amended} complaint, a copy of the summons and complaint was served
on defendant by serving Joanna Mendoza, authorized agent, personally
(STATE SPECIFICALLY HOW SERVICE WAS MADE ON DEFENDANT), and proof of
such service thereof was filed on ^{FEB 27 2008} ~~August 17, 2007~~.

I further certify that the docket entries indicate that the defendant has not filed an
answer or otherwise moved with respect to the complaint herein. The default of the defendant is
hereby noted.

Dated: New York, New York

2/25/08

J. MICHAEL MCMAHON
Clerk of the Court

By: 

Deputy Clerk

EXHIBIT 2

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X

CRP/CAPSTONE 14W PROPERTY OWNER, LLC,

:

:

CASE NO. 07 Civ. 7165
(PKC)

Plaintiff,

:

- against -

DEFAULT JUDGEMENT

MORGAN FUNDING, INC.,

:

Defendants.

:

-----X

This action having been commenced on August 10, 2007, by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the Defendant, Morgan Funding, Inc., on August 17, 2007, by personal service on Joanne Mendoza, authorized agent, and a proof of service having been filed on August 17, 2007, and a copy of Plaintiff's Third Amended Complaint having been served on Defendant by Federal Express on December 20, 2007, and proof of service having been filed on February 22, 2008, and the defendant not having answered the Third Amended Complaint, and the time for answering the Third Amended Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against the Defendant in the liquidated amount of \$440,883.69 with interest at 9% since August 10, 2007, plus \$12,322.60 in costs and attorney's fees of this action, amounting in all \$_____.

Dated: New York, New York

U.S.D.J.

This document was entered on the docket on

_____.